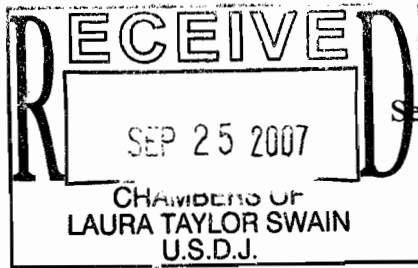


UNITE HERE Fund Administrators

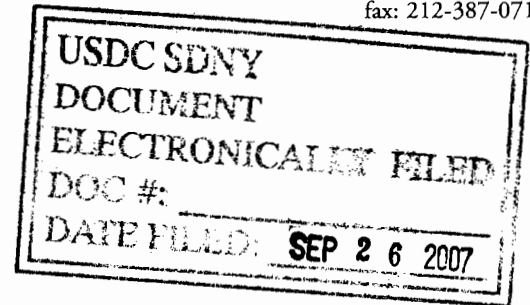
An Affiliate of Amalgamated Life

UNITE HERE Fund Administrators, Inc.

730 Broadway
New York, NY 10003-9511
212-539-5000
fax: 212-387-0710



September 24, 2007



BY HAND

Honorable Laura Taylor Swain
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street - Room 755
New York, New York 10007

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Re: Trustees of the UNITE HERE National Health Fund, et al.
-v.- 138 Top Inc. - 07 Civ. 6927(LTS)

Dear Judge Swain:

We represent the petitioners in the above-referenced proceeding to confirm an arbitration award. Pursuant to paragraph "2.C" of your Honor's Individual Practices, and for the reasons outlined below, we are writing to respectfully request the Court's permission to apply for a default judgment against respondent 138 Top Inc. in this proceeding.

The instant proceeding was commenced on August 2, 2007 by the filing of the petition to confirm arbitration award ("the petition"). The petition, notice of petition and supporting documents were served on respondent on August 3, 2007 by mail as permitted by the Federal Arbitration Act, 9 U.S.C. § 9. To date, Respondent has not appeared, answered or otherwise moved with respect to the petition. Enclosed is a copy of the Clerk's Certificate of default issued on September 21, 2007 in this proceeding.

Based on the foregoing facts, and in the interest of judicial economy, petitioners respectfully request permission to apply to the Court for a default judgment.

Honorable Laura Taylor Swain
September 24, 2007
Page 2

The Court's considerations are appreciated.

Respectfully submitted,

**UNITE HERE FUNDS
ADMINISTRATORS, INC.**

By:



David C. Sapp (DS5781)

Enclosure

cc: 138 Top, Inc. (by certified mail and regular mail)(w/enclosure)

Plaintiff may move for
confirmation of the award
and entry of judgment,
in accordance with the procedure
set forth in paragraphs 3 and
4 of the Court's August 31, 2007
Order (docket item # 7).

SO ORDERED.

 9/26/2007
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE